

070574, J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GEORGE SANABRIA,

Plaintiff,

-against-

THE CITY OF NEW YORK, Officer "JOHN" CASTRO shield 5318, first name being fictitious, true name being unknown to plaintiff, person intended being a police officer of the New York City Police Department who participated in the arrest, detention and assault of plaintiff and "JOHN DOE ONE through EIGHT," police officers of the New York City Police department, the identities and numbers of whom are presently unknown to plaintiff, persons intended being police officers who participated in the arrest and detention of plaintiff,

Defendants.
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STIPULATION AND
ORDER OF
SETTLEMENT AND
DISCONTINUANCE

07 CV 6425 (PAC)

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>MAY 08 2008</u>

WHEREAS, plaintiff commenced this action by filing a complaint on or about July 16, 2007 alleging that defendants violated his federal civil and state common law rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in their litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. Defendants hereby agree to pay plaintiff the total sum of TEN THOUSAND DOLLARS (\$10,000.00) in full satisfaction of all claims, including claims for costs, expenses and attorney fees. In consideration for the payment of this sum, plaintiff agrees to the dismissal of all the claims against the defendants, and to release defendants and any present or former employees or agents of the New York City Police Department and the City of New York, and their successors or assigns, from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph "2" above and an Affidavit of No Liens.

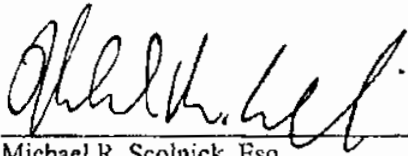
4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation and settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

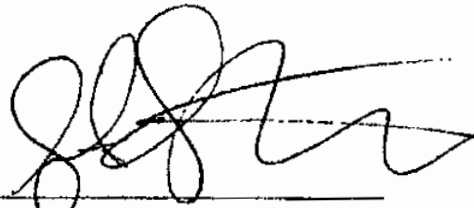
6. This Stipulation and Order contains all the terms and conditions agreed

upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
April 17, 2008



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SO ORDERED: MAY 08 2008


U.S.D.J.